

A Unified Statement and Our Demands to Pro-Life Governors and Legislators Should Roe Be Overturned

Since the *Roe* decision in 1973, over 65 million precious preborn children have been killed by legal abortion in this country. This gross national sin has had far-reaching consequences, defiling the very soul and conscience of our nation.

Millions of men, women, and children have been devastated by this atrocity.

Thirty states had laws criminalizing abortion at all stages of development at the time of *Roe v. Wade*. Since the ruling, over half the states in this country have elected pro-life leaders who claim to value preborn children. While such leaders have always had a right and duty to uphold their laws and provide full legal recognition and protection to preborn children at the state level, none have hitherto done so.

The primary reasoning for such failure is the claim that *Roe* is “the law of the land” requiring submission to its demands. This is a falsehood. *Roe* has always been legal fiction and pretend legislation.

The Fall of *Roe*

The Supreme Court has finally amended this gross error. *Roe* has been overturned. In the case *Dobbs v. Jackson Women’s Health Organization*, Samuel Alito, along with four additional justices, excoriated the *Roe* decision, calling it a gross abuse of judicial authority. We rejoice that *Roe*, after 49 painful years, is no more.

Now that *Roe* has fallen and the courts have sent the adjudication of the matter back to the states, what should pro-life states do?

The Value of Preborn Children

Modern medical science unequivocally affirms that when a mother becomes pregnant—the moment of fertilization—sexual reproduction has taken place and a unique individual human life has come into existence.¹

¹ “Human development begins at fertilization, approximately 14 days after the onset of the last menstrual period... when a sperm fuses with an oocyte to form a single cell, the zygote. This highly specialized, totipotent cell marks the beginning of each of us as a unique individual.” - Keith L. Moore, *The Developing Human: Clinically Oriented Embryology*, 10th edition. Philadelphia, PA: Elsevier, 2016. Kindle Locations 739, 1094.

“Although life is a continuous process, fertilization (which, incidentally, is not a ‘moment’) is a critical landmark because, under ordinary circumstances, a new genetically distinct human organism is formed when the chromosomes of the male and female pronuclei blend in the oocyte.” - Ronan O’Rahilly and Fabiola Müller, *Human Embryology and Teratology*, 3rd edition. New York: Wiley-Liss, 2001. p. 8.

In simpler terms, when a mother becomes pregnant, we all recognize that she is now “with child.” Everyone universally acknowledges “her baby” in the womb—from doctors and nurses, to friends and family members—if she wants the child.

If the mother changes her mind and decides she no longer wants the child, according to our current policies, the baby suddenly ceases to be a baby and can be legally murdered. This is an absurdity. Our humanity and our inherent value are neither dependent upon our mother's opinion of us nor her desire to care for us.

While we can understand why many mothers do not want to be pregnant or raise a child, abortion is not a solution to such concerns. Mothers and fathers have a duty to love and protect their children. Many loving options are available to assist mothers and to help provide care for them and their children.

In a civil and just society, the strong have a moral obligation to protect the weak and the defenseless. The civil government has a duty to ensure the equal protection of every person under the law, born and preborn, wanted and unwanted. Thus, we seek to ensure that our laws reflect the inherent value and dignity of every human life, uniquely made in the image of God.

Our Demands

- We demand that every pro-life governor and legislator immediately establish equal justice for preborn children and provide full legal recognition of their value and dignity as human beings from the moment of conception.
- We soundly reject any half-measures or political compromises that enable the continued killing of any innocent preborn children and that fail to establish equal justice and equal protection under the law.

The Necessity of Equal Justice

Intentionally killing a preborn child is always wrong. In fact, it is homicide.

By legislating lesser penalties for abortion than for other forms of homicide, we are creating a two-tier system of justice—in which preborn children are still viewed as somehow less than fully human.

By exempting certain parties from civil sanctions or by carving out exceptions based on age and development—such as a heartbeat or an arbitrary notion of viability or pain capability—we diminish the value of these little human beings in their earliest stages of development. One's life does not begin at the moment of viability, nor when a heartbeat is detectable, but at the moment of fertilization. That is the moment when a unique individual human life comes into existence. Our laws should reflect the inherent value that every human life possesses.

Some have argued that while we struggled under the weight of *Roe*, such regulatory half-measures have had strategic value in advancing toward full equal protection, but in a post-*Roe* world, such half-measures clearly are unjust and unnecessary.

The *Roe* decision was, in part, determined by the inherent contradiction in Texas abortion laws, which argued for the full humanity of preborn children, yet gave lesser punishments for aborting a preborn child than for killing a born child. Justice Blackmun emphasized this “inconsistency” in the majority opinion.² Preborn children were not given full equal value, even in many “pro-life” states—and thus *Roe* was foisted upon the nation.

In any homicide case, all involved parties are subject to prosecution. Judges and prosecutors of course retain discretion in sentencing if one of the parties was coerced and/or genuinely ignorant of their actions. This will still apply if preborn children are granted equal protection under the law.

It should be emphasized that we are not asking for any retroactive punishment for those involved in *past abortions*. The state cannot rightfully punish someone for something the state was itself, at the time, sanctioning.

On a final note, we would add for consideration that exempting mothers and fathers who seek abortion from prosecution not only fails to establish equal protection for preborn children, but also incentivizes the rapidly growing chemical abortion industry. Millions of moms could still kill their preborn children in this country with impunity by utilizing take-home, over-the-counter chemicals—even after abortion bans are enacted that exempt women from prosecution.

The Purpose of Homicide Laws

The purpose of any law is not just punitive, but also didactic and preventative. The law has a teaching function. It educates society. The law also functions as a deterrent to illegal behavior. Laws that establish equal protection for preborn children instruct society as to the value of preborn children and deter doctors as well as mothers and fathers from seeking to kill their own children.

Conversely, laws that merely regulate or restrict certain abortions educate the citizenry that innocent life can be killed under certain conditions, thereby incentivizing such actions.

In Summary

² Full quote from Justice Blackmun in Footnote 54 of the *Roe* Opinion, “*It has already been pointed out, n. 49, supra, that, in Texas, the woman is not a principal or an accomplice with respect to an abortion upon her. If the fetus is a person, why is the woman not a principal or an accomplice? Further, the penalty for criminal abortion specified by Art. 1195 is significantly less than the maximum penalty for murder prescribed by Art. 1257 of the Texas Penal Code. If the fetus is a person, may the penalties be different?*”

As our Declaration of Independence affirms, we are all “created equal, and endowed by our Creator with certain inalienable rights.” Foremost is our right to life.

Let it again be said plainly—we will not accept any legislation that legitimizes the intentional killing of any innocent human being. These babies' lives are worth the hard fight. Both compassion and justice demand we draw this line and stand firm. All the signers of this statement stand with one united voice, representing millions of pro-life voices, in our demand for justice for preborn children.

If we are to be faithful to our pro-life convictions and uphold a just and civil society, then abortion must be fully criminalized, equal justice must be established, preborn babies must be legally recognized from their biological beginnings, and their true value and worth as image-bearers of God must be protected immediately.

Signed

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